



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

11

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Please see attached.

Election/Restrictions

Applicant's election with traverse of Species 1 shown in Figures 1, 2 and 4, and subspecies a shown in Figure 3A in Paper No. 10 is acknowledged. The traversal is on the ground(s) that the embodiments of Group I and II are directed to the same invention as defined by the recited features of the claims and that the only material difference between the stent of Figure 1 and the stent of Figure 5 is the distance between the connecting elements. This is not found persuasive because the Election/Restriction set forth patentably distinct species of the claimed invention, not different groups of separate inventions. Furthermore, the distance between the connecting elements is only one feature that renders the two species patentably distinct. Figure 1 clearly shows the use of two types of connection elements, 31 and 32, while Figure 4 clearly shown the use of only one type of connection element, 33. Because of these differences, the embodiments are considered patentably distinct.

The requirement is still deemed proper and is therefore made FINAL.

The Response to Restriction Requirement filed on 6/17/02 is considered non-responsive because applicant did not identify which claims are readable on the elected species and subspecies. This identification of claims requirement was clearly stated in the restriction/election as follows:

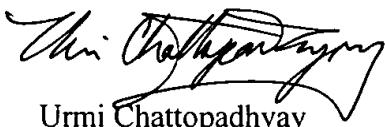
Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of **ALL CLAIMS** readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

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Applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

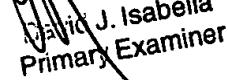
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Urmie Chattopadhyay whose telephone number is (703) 308-8510 and whose work schedule is Monday-Friday, 9:00am – 6:30pm with every other Friday off. The examiner's supervisor, Corrine McDermott, may be reached at (703) 308-2111. The group receptionist may be reached at (703) 308-0858.

Should the applicant wish to send a fax for official entry into the file wrapper the Group fax number is (703) 305-3590. Should applicant wish to send a fax for discussion purposes only, the art unit fax number is (703) 308-2708.



Urmie Chattopadhyay

Art Unit 3738



David J. Isabella
Primary Examiner

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August 19, 2002